

Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Office Action mailed July 27, 2005.

Claims 1-24 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-24. Applicants hereby amend claim 5 and add new claims 25-30, leaving for Examiner's present consideration claims 1-30. Reconsideration of the rejections is requested.

Rejection under 35 U.S.C. § 103

Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baum et al U.S. Patent No. 6,850,495 (hereinafter Baum '495) in view of Baum et al U.S. Patent No. 6,904,054 (hereinafter Baum '054). Applicants respectfully traverse these rejections.

Claim 1

Claim 1 recites the following limitations:

1. *A system for providing two qualities of service from a single data stream, comprising:
 (a) a storage space for storing at least one of a first quality of service choice and a second quality of service choice for each of a plurality of users;
 (b) a processor programmed to direct the data stream for each user according to that user's quality of service choice;
 (c) multicasting apparatus for receiving the data stream from the processor and multicasting the data stream to each user for which the first quality of service choice is stored in said storage space; and
 (d) a point-to-point device for receiving the data stream from the processor and ensuring that each user for which the second quality of service is stored in said storage space receives the data stream.*

Thus, claim 1 allows a user to choose receiving data by two different quality of service choices. The messages are multicast to users associated with the first quality of service choice and sent directly point-to-point to users associated with the second quality of service choice.

Baum '054 fails to disclose such a system. In Baum'054, traffic destined to an ISP is separated and sent via PPPoE (point to point protocol over Ethernet), while traffic going to and from the vertical services utilize other types of Ethernet protocol. All traffic to and from the customer premises uses Ethernet frames carried within ATM cells (Baum '054 col. 17, lines 39-

47). In other words, Baum '054 discloses separating different types of traffic according to its destination. This is not the same as multicasting to users with a first quality of service choice and point-to-point sending to users with a second quality of service choice, as described by the embodiments of the present invention. As such, Baum '054 fails to disclose or render obvious the features of claim 1.

Baum '495 does not fix the failings of Baum '054. Examiner has cited Baum '495 as disclosing a lookup table that stores context information pertaining to each customer indicating each customer's specific quality of service profile. However, even if this were taken to be true, Baum '495 would nevertheless fail to disclose multicasting to users with a first quality of service choice and point-to-point sending to users with a second quality of service choice. Thus, Baum '495 even in combination with Baum '054 fails to anticipate or render obvious the features of claim 1. Accordingly, Applicants respectfully request reconsideration of the rejection.

Claims 8, 15, 21-24

Independent claims 8, 15, 21-24 contain substantially similar limitations as those discussed in connection with independent claim 1. As such, they are patentable for at least the same reasons as claim 1. Accordingly, reconsideration of the rejections is requested.

Claims 2-7, 9-14, 16-20, 25-30

Claims 2-7, 9-14, 16-20, 25-30 depend from claims 1, 8, 15, and 21-24 and as such they are patentable for at least the same reasons as the independent claims as well as for the additional limitations contained therein. Accordingly, reconsideration of the rejections is requested.

Claims 5, 11, 18

Additionally, dependent claims 5, 11, and 18 contain the further limitation of a queue for each listener, *allowing a user to receive messages for both qualities of service*. This feature of the claims allows a user to be able to receive messages quickly, such as by the unreliable quality of service, *as well as* to ensure that the message is received, such as by using the reliable quality of service. Baum '054 fails to disclose such a feature. Because of this feature and because of their dependence from independent claims, Applicants respectfully submit that claims 5, 11, and

18 are likewise not anticipated by the cited references. Accordingly, reconsideration of the rejections is requested.

Claims 25-30

New dependent claims 25-30 have been added to more explicitly describe certain embodiments of the invention. For example, claim 30 recites:

30. *The system of claim 23, further comprising:
ensuring that each user selecting the second quality of service receives the message by receiving a response from that user, which delivers an acknowledgement of the receipt of data.*

As described in this embodiment of the invention, one quality of service is deemed less reliable than the other quality of service which is more reliable. Thus, the point-to-point device acts more reliably because it ensures that each user using the second quality of service receives the data, *by* receiving a response from that user.

Allowing a user to choose between ensuring the delivery of data and a less reliable quality of service is significant feature of the invention. The advantages of ensuring data delivery are obvious. But it may also be desirable to implement less reliable qualities of service, such as for applications which are very sensitive to any delivery time latency. Similarly it may be impracticable to receive assurances of delivery from a large number of users. The system in accordance with the embodiments of the present invention avoids these inconsistencies by offering choices of several qualities of service to the user.

Applicants respectfully submit that no new matter has been added and request consideration of the newly presented claims.


In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any

fee for extension of time, which may be required.

Respectfully submitted

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